

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WALTER FREITAS,

Petitioner,

vs.

DWIGHT NEVEN, WARDEN, and
 ATTORNEY GENERAL OF THE STATE
 OF NEVADA ,

Respondents.

2: 10-CV-0059 -PMP-RJJ

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Petitioner has paid the filing fee for this action. The petition shall now be filed and served on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the Court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

IT IS THEREFORE ORDERED that the Clerk shall **ELECTRONICALLY**

1 **SERVE** the petition (docket #1) upon respondents.

2 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from
3 entry of this order within which to answer, or otherwise respond to, the petition. In their answer or
4 other response, respondents shall address any claims presented by petitioner in his petition as well as
5 any claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise
6 all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
7 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
8 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
9 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
10 **forty-five (45) days** from the date of service of the answer to file a reply.

11 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the
12 Attorney General of the State of Nevada a copy of every pleading, motion, or other document he
13 submits for consideration by the court. Petitioner shall include with the original paper submitted for
14 filing a certificate stating the date that a true and correct copy of the document was mailed to the
15 Attorney General. The court may disregard any paper that does not include a certificate of service.
16 After respondents appear in this action, petitioner shall make such service upon the particular Deputy
17 Attorney General assigned to the case.

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20 DATED this 11th day of August, 2010.

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23 UNITED STATES DISTRICT JUDGE
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